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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES *ex rel.* STROM,

Plaintiffs,

v.

SCIOS, INC. and

JOHNSON & JOHNSON,

Defendants.

) No. C 05-3004 CRB

) STIPULATION TO STAY DISCOVERY;  
) ~~[PROPOSED]~~ ORDER

1 Plaintiffs (the United States of America and Relator Joe Strom) and Defendants (Scios,  
2 Inc. and Johnson & Johnson), through their undersigned counsel of record, hereby respectfully  
3 request and stipulate that the Court set a case management conference in February 2010, and stay  
4 the commencement of discovery in this case until after the conference.

5 1. This case is brought under the False Claims Act ("FCA"), 31 U.S.C. §§ 3729-33. It  
6 was originally filed by Relator Strom pursuant to the *qui tam* provisions of the FCA. The United  
7 States intervened on February 11, 2009 and filed its complaint in intervention on June 11, 2009,  
8 superseding the complaint previously filed by Relator.

9 2. The Court held an initial case management conference on August 21, 2009, and  
10 ordered that discovery be stayed until November 20, 2009, the date that Defendants' motion to  
11 dismiss is to be heard.

12 3. The parties now request that a further case management conference be held on  
13 February 5, 2010, and that discovery be further stayed until that time.

14 4. The need for a further stay involves a matter which is not public, and the undersigned  
15 government attorneys are not authorized to disclose it publicly. Accordingly, the United States is  
16 concurrently seeking leave to submit a declaration in camera and under seal explaining the need  
17 for a further stay. The general substance of the declaration has been shared with Relator and  
18 Defendants, and neither Relator nor Defendants object to the United States' request to submit the  
19 declaration in camera and under seal.

20 IT IS SO STIPULATED.

21 Respectfully submitted,

22 TONY WEST  
23 Assistant Attorney General

24 JOSEPH P. RUSSONIELLO  
United States Attorney

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1 Dated: November 6, 2009

2 By: /s/ signature on file  
3 SARA WINSLOW  
4 JULIE A. ARBUCKLE  
5 Assistant United States Attorneys

6 Dated: November 6, 2009

7 By: /s/ signature on file  
8 JOYCE R. BRANDA  
9 PATRICIA R. DAVIS  
10 RENÉE S. ORLEANS  
11 Civil Division, U.S. Department of Justice  
12 Attorneys for the United States

13 NOLAN & AUERBACH, P.A.  
14 LAW OFFICES OF MATTHEW PAVONE

15 Dated: November 3, 2009

16 By: /s/ signature on file  
17 KENNETH J. NOLAN, Esq.  
18 MARCELLA AUERBACH, Esq.  
19 MATTHEW B. PAVONE, Esq.  
20 Attorneys for *Qui Tam* Plaintiff Joe Strom

21 QUINN EMANUEL URQUHART  
22 OLIVER & HEDGES, LLP

23 Dated: November 5, 2009

24 By: /s/ signature on file  
25 JOHN POTTER, Esq.  
26 Attorneys for Defendants Scios, Inc.  
27 and Johnson & Johnson

28 ~~PROPOSED~~ ORDER

Pursuant to stipulation and for good cause shown, IT IS HEREBY ORDERED that:

1. A further case management conference shall be held on February 5, 2010 at 8:30 a.m.
2. Discovery in this case shall be stayed until a further order is issued at the February 5,

2010 case management conference.

IT IS SO ORDERED.

Dated: November 10, 2009

HON. CHA  
United State

